House Bill 682

By: Representatives Sainz of the 180th and Corbett of the 174th

A BILL TO BE ENTITLED AN ACT

1	To create the Camden County Spaceport Authority; to provide for a short title; to confer
2	powers and impose duties on the authority; to provide for the membership and the
3	appointment of members of the authority and their terms of office, qualifications, duties,
4	powers, and compensation; to provide for vacancies, organization, meetings, and expenses;
5	to prohibit authority employees and members from having certain interests; to provide for
6	definitions; to provide for venue and jurisdiction; to provide for authority purpose; to provide
7	for charges; to provide for rules and regulations; to provide for tort immunity; to provide for
8	liberal construction; to provide related matters; to repeal conflicting laws; and for other
9	purposes.
10	BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:
11	SECTION 1.
12	Short title.
13	This Act shall be known and may be cited as the "Camden County Spaceport Authority Act."
14	SECTION 2.
15	Camden County Spaceport Authority.
16	(a) There is created a body corporate and politic, to be known as the "Camden County
17	Spaceport Authority," which shall be deemed to be a political subdivision of the State of
18	Georgia and a public corporation and by that name, style, and title said body may contract
19	and be contracted with, sue and be sued, implead and be impleaded, and bring and defend
20	actions in all courts. The authority shall have perpetual existence.
21	(b) The authority shall consist of five members who shall be residents of Camden County.
22	All five members appointed to the authority pursuant to this subsection shall be appointed
23	by the governing authority of Camden County. Three of the members shall be citizens of

24 Camden County who do not hold elective office and shall be appointed by the governing authority to serve initial terms of office of two years each. Two of the members may be 25 26 members of the governing authority and shall be appointed by the governing authority to 27 serve initial terms of office of one year each. Members of the authority shall serve the terms 28 specified and until their respective successors are appointed and qualified. After the 29 appointments by the governing authority to fill the initial terms of office, members shall 30 serve for terms of two years each. No employee of Camden County shall serve as a member of the authority. Any member of the authority may be selected and appointed to succeed 31 32 himself or herself. After such appointment, the members of such authority shall enter upon 33 their duties. Any vacancy on the authority shall be filled in the same manner as was the 34 original appointment of the member whose term of membership resulted in such vacancy and 35 the person so selected and appointed shall serve for the remainder of the unexpired term. 36 The members of the authority shall be reimbursed for all actual expenses incurred in the 37 performance of their duties out of funds of the authority. The authority shall make rules and 38 regulations for its own government. It shall have perpetual existence.

- 39 (c) Any person ineligible to be a member of the authority pursuant to O.C.G.A. § 45-2-1
- 40 may not be appointed to or serve on the authority.
- 41 (d) The members of the authority shall in each year elect one of their number as chairperson.
- 42 Also, the members of the authority shall elect one of their number as vice chairperson, shall
- 43 also elect one of their number as secretary, and may also elect one of their number as
- 44 treasurer. The secretary may also serve as treasurer. Each of such officers shall serve for a
- 45 period of one year and until their successors are duly elected and qualified. The chairperson
- of the authority shall be entitled to vote upon any issue, motion, or resolution.
- 47 (e) A majority of the members of the authority shall constitute a quorum. No vacancy on
- 48 the authority shall impair the right of the quorum to exercise all of the rights and perform all
- 49 of the duties of the authority; provided, however, three votes are required for the approval
- of any authority action.
- 51 (f) A vacancy on the authority shall exist in the office of any member of the authority who
- 52 is convicted of a felony; who is convicted of a crime involving moral turpitude; who moves
- such person's residence from Camden County; who is convicted of any act of misfeasance,
- 54 malfeasance, or nonfeasance of such person's duties as a member of the authority; or who
- 55 fails to attend any regular or special meeting of the authority for a period of three months
- 56 without an excuse approved by a resolution of the authority.
- 57 (g) All meetings of the authority, regular or special, shall be open to the public. The
- authority may hold public hearings on its own initiative or at the request of residents of
- 59 Camden County or residents of any area affected by the actions of the authority.

60 (h) No member or employee of the authority shall have, directly or indirectly, any financial

- interest, profit, or benefit in any contract, work, or business of the authority nor in the sale, 61
- 62 lease, or purchase of any property to or from the authority.

SECTION 3. 63

64 Definitions.

- As used in this Act, the term: 65
- (1) "Authority" means the Camden County Spaceport Authority created by this Act. 66
- (2) "Cost of the project" means and embraces the cost of construction; the cost of all 67 lands, properties, rights, easements, and franchises acquired; the cost of all machinery and 68 equipment, financing charges, interest prior to and during construction and for one year 69 70 after completion of construction; the cost of engineering, architectural, fiscal agents, and 71 legal expenses, and of plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expenses, and 72 73 such other expenses as may be necessary or incident to the financing authorized in this 74 Act; the cost of the acquisition or construction of any project; and the cost of placing any
- 75 project in operation. Any obligation or expense incurred for any of the foregoing
- 76 purposes shall be regarded as a part of the cost of the project.
- 77 (3) "Project" shall be deemed to mean and include the acquisition, construction,
- 78 equipping, maintenance, and operation of a spaceport and the usual facilities related
- 79 thereto.
- (4) "Spaceport" means any area of land or structure which is or has been used or which 80
- the authority may plan to use for the landing, launching, and taking off of a spacecraft as 81
- 82 defined by O.C.G.A. § 51-3-41; all buildings, equipment, facilities, or other property and
- 83 improvements of any kind or nature located within the bounds of any such land area or
- 84 structure which are or have been used or which the authority may plan to use for terminal
- facilities; all facilities of any type for the accommodation of passengers, maintenance, 85
- servicing, and operation of aircraft, helicopters, and spacecraft, business offices and 86
- 87 facilities of private businesses and governmental agencies, and the parking of
- automobiles; and all other activities which are or have been carried on or which may be 88
- 89 necessary or convenient in conjunction with the landing, launching, and taking off of
- 90 spacecraft, including all land originally acquired by Camden County for the establishment
- of a spaceport, and any land to be deeded to Camden County for spaceport use, including, 91
- 92 without limitation, easements, and other real or personal property.

SECTION 4.

94 Powers.

95 The authority shall have the power:

- (1) To have a seal and alter the same at its pleasure;
- (2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character for its corporate purposes and to plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, and lease all spaceports which shall come under the control of the authority under the provisions of this Act or which it may acquire or plan to acquire; to regulate, protect, and police such spaceports and all related activities and facilities; to enter into any contracts, leases, or other agreements, promulgate any orders, set any tolls, fees, or other charges for the use of property or services of the authority and collect and use same as necessary to operate the spaceports under control of the authority; and to accomplish any purposes of this Act and make any purchases or sales necessary for such purposes; except that the authority may not acquire any spaceport of any county, municipality, or combination thereof unless such county and municipality agree to pay to the authority, so long as it operates such spaceport, at least the amount of spaceport operating expenses funded by taxes, fees, and assessments of such county and municipality immediately prior to such acquisition;
- (3) To appoint, select, and employ officers, agents, and employees, including engineering, architectural, and construction experts, fiscal agents, and attorneys, and to fix their respective compensations;
- (4) To make contracts and leases and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be constructed, erected, or acquired. Any and all persons, firms, and corporations and any and all political subdivisions, departments, institutions, or agencies of the state are authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such purposes as they deem advisable; the authority is specifically granted to municipal corporations, counties, and other political subdivisions and to the authority to enter into contracts, lease agreements, or other undertakings with each other relating to projects of the authority for a term not exceeding 50 years. The authority may enter into contracts or lease agreements authorized between the authority and private corporations, both inside and outside this state, and between the authority and public bodies, including counties and cities outside this state as authorized by O.C.G.A. § 36-60-13, or as hereafter amended;
- (5) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects, as defined in this Act, the cost of any such project

129	to be paid in whole or in part from funds appropriated by the Camden County Board of
130	Commissioners and any grant or contribution from the United States of America or any
131	agency or instrumentality thereof or from the State of Georgia or any agency or
132	instrumentality thereof;
133	(6) To accept loans and grants of money or materials or property of any kind from the
134	United States of America or any agency or instrumentality thereof upon such terms and
135	conditions as the United States of America or such agency or instrumentality may
136	require;
137	(7) To accept loans and grants of money or materials or property of any kind from the
138	State of Georgia or any agency or instrumentality or political subdivision thereof upon
139	such terms and conditions as the State of Georgia or such agency or instrumentality or
140	political subdivision may require;
141	(8) To borrow money for any of its corporate purposes; and
142	(9) To do all things necessary or convenient to carry out the powers expressly given in
143	this Act.
144	SECTION 5.
145	Venue and jurisdiction.
146	Any action to protect or enforce any rights under the provisions of this Act or any suit or
147	action against such authority shall be brought in the Superior Court of Camden County,
148	Georgia.
149	SECTION 6.
150	Purpose of the authority.
151	Without limiting the generality of any provision of this Act, the general purpose of the
152	authority is declared to be that of acquiring constructing equipping maintaining and

Without limiting the generality of any provision of this Act, the general purpose of the authority is declared to be that of acquiring, constructing, equipping, maintaining, and operating a spaceport and the usual facilities related thereto, and improving of such facilities, acquiring parking facilities and parking areas in connection therewith, acquiring the necessary property therefor, both real and personal, and leasing or selling any or all of such facilities, including real property, and doing any and all things deemed by the authority to be necessary, convenient, or desirable for and incident to the efficient and proper development and operation of such types of undertaking.

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159	SECTION 7.
160	Rates, charges, and revenues; use.
161	The authority is authorized to prescribe and fix rates and to revise the same from time to time
162	and to collect fees, tolls, and charges for the services, facilities, and commodities furnished.
163	SECTION 8.
164	Rules and regulations for operation of projects.
165	It shall be the duty of the authority to prescribe rules and regulations for the operation of the
166	project or projects constructed or acquired under the provisions of this Act.
167	SECTION 9.
168	Tort immunity.
169	The authority shall have the same immunity and exemption from liability for torts and
170	negligence as Camden County; and the officers, agents, and employees of the authority,
171	when in the performance of the work of the authority, shall have the same immunity and
172	exemption from liability for torts and negligence as the officers, agents, and employees of
173	Camden County as when in the performance of their public duties or work of such county.
174	SECTION 10.
175	Liberal construction of Act.
176	This Act being for the welfare of various political subdivisions of the state and its inhabitants
177	shall be liberally construed to effect the purposes of this Act.
178	SECTION 11.
179	Repealer.
180	All laws and parts of laws in conflict with this Act are repealed.